

EXHIBIT 7

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH et al, individually and on behalf of all others similarly situated,

Plaintiffs,

Case No. _____

v.

WHOLE FOODS MARKET, INC.

Defendants.

AFFIDAVIT OF SAMANTHA BERIMBAU IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Samantha Berimbau, hereby declare:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.
2. I have been working as an employee for Whole Foods since approximately 2016.

I am White.

3. I work at the Whole Foods located at 200 Alewife Brook Parkway (the Fresh Pond location) in Cambridge, Massachusetts.
4. Due to the onset of the COVID-19 pandemic, Whole Foods requires all its employees wear a mask to work.
5. Following the death of George Floyd and demonstrations springing up across the country in support of the Black Lives Matter movement, and hearing that Whole Foods employees at the Whole Foods River Street location in Cambridge, Massachusetts, had been disciplined for wearing Black Lives Matter masks, I decided to participate and wear the Black Lives Matter masks to work.

6. On July 23, I wore a Black Lives Matter masks, to express support for my Black coworkers and the Black and non-Black employees at River Street and leadership pulled me into the office and told me that I needed to put on a new mask or go home.
7. I refused to put on a different mask and got sent home without pay on the premise that the mask violated the dress code.
8. I was surprised by Whole Foods disciplining and retaliating against us for wearing the masks, since the company asserts that it is inclusive.
9. Whole Foods claims that it is disciplining us because the Black Lives Matter masks violate the dress code policy, which prohibits employees from wearing clothing with visible slogans, messages, logos, or advertising that are not company-related.
10. I believe that Whole Foods is selectively enforcing its dress code to discipline employees for wearing Black Lives Matter masks, by sending employees who wear the Black Lives Matter masks home without pay and assigning employees a disciplinary point for each time they are sent home.
11. I have seen my supervisor and team leaders wear LGBTQ+ pins and symbols before.
12. Despite the warnings and the discipline I have received, I plan to continue to wear my Black Lives Matter mask because I believe that Whole Foods is discriminating against my Black co-workers and other employees of color by refusing to support my Black co-workers.

13. I believe that Whole Foods is discriminating and retaliating against my Black co-workers by disciplining them for wearing Black Lives Matter masks, and against other workers who associate with them and are advocating for them, by disciplining us for wearing Black Lives Matter masks.

14. This is my sole source of income and is part of how I pay for school, since I work during the summer and save up for the school year. I cannot afford to lose this job or lose wages.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/18/2020



Samantha Berimbau